

REMARKS

No Claims have been amended.

Claims 4-7, 29-31, 34-37, 39-43, 60, and 65-67 have been withdrawn.

New Claims 68-70 have been added

Claims 1-7, 9, 20-31, 34-37, 39-43, and 60-70 are currently pending in this application.

Claims 1, 2, 20, 29, 37, and 60 are in independent format.

1. Drawings

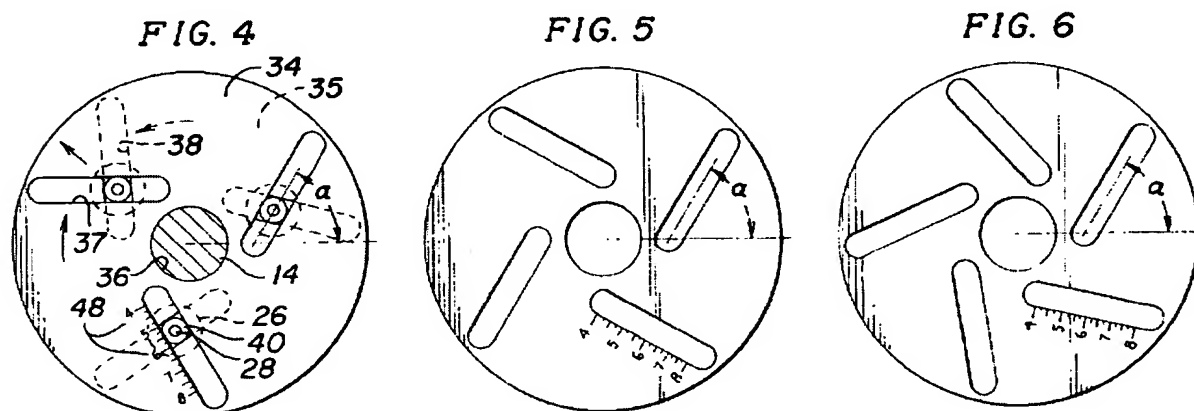
The Examiner has objected to the drawings under 37 CFR 1.83(a) as failing to show every feature of the invention specified in the claims. Specifically, the Examiner has stated that identifying indicia associated with each of the slots (i.e., "color, numbers, letters, or surface relief, as detailed in the specification) must be shown or the features cancelled from the claims. These features are set forth only in Claim 25.

The drawings have been amended such that an identifying indicia associated with the illustrated slots is shown. Specifically, identifying indicia in the form of numbers corresponding to subsets of slots (i.e. 3, 4, 5, and 7) have been added to Figures 7A and 7B where appropriate to identify slots comprising each subset. A clean set of the amended drawings and a marked up set illustrating the changes made have been provided. The use of numbers to identify subsets of slots is clearly described at Para. [0050] of the Specification, so the addition thereof to Figures 7A and 7B is not an entry of new matter.

2. Rejections Under 35 U.S.C. § 103

Claims 1, 3, 20-28, and 61-64

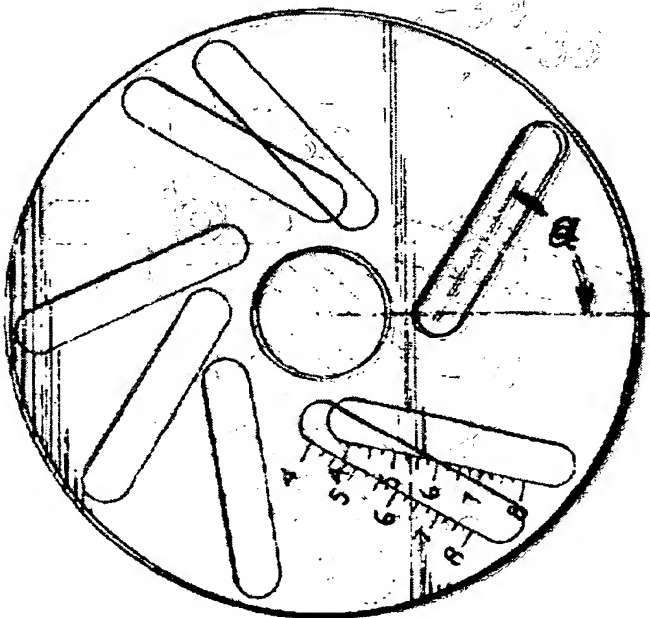
The Examiner's rejection of Claims 1, 3, 20-28, and 61-64 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,888,128 to *Mitchell* in view of U.S. Patent No. 5,665,911 to *Warkotsch* is respectfully traversed. The Examiner's stated basis for the rejection is that the '128 *Mitchell* reference discloses all of the features of the claims except for a single adjustable mounting flange assembly for use with a variety of different lug patterns. Rather, as shown below in Figures 4, 5, and 6, the '128 *Mitchell* reference utilizes a separate flange plate for each different lug pattern.



It is the Examiner's contention that the '911 *Warkotsch* reference supplies the missing limitation by disclosing a single mounting flange which singularly accommodates a plurality of lug hole spacings, i.e. a five-lug hole arrangement via holes 19, 20, and 21 (Fig. 1), and a 4-lug hole arrangements via holes 21'. Therefore, the Examiner contends it would have been obvious to one of ordinary skill in the art at the time of the invention to replace the individual mounting flange plates disclosed by the '128 *Mitchell* reference with the singular plate disclosed by the '911 *Warkotsch* reference in order to more conveniently accommodate different lug hole patterns on vehicle wheels.

A rejection based upon a modification of a reference that *destroys the intent, purpose, or function of the invention disclosed in the reference*, is not proper, and the *prima facie* case of obviousness fails. There is no reasonable expectation of success, since neither reference provides a solution to the problem of how to accommodate *all* lugs in a vehicle wheel assembly for a variety of different lug hole patterns and dimensions, using only a single mounting flange assembly. (See: *MPEP 2142, 2143, and 2143.02*).

A replacement of the individual mounting flange plates disclosed by the '128 *Mitchell* reference with the singular plate disclosed by the '911 *Warkotsch* reference, as suggested by the Examiner, would clearly result in a completely non-functional system. An illustration of what such a combined singular flange plate might look like, if using the designs shown in the '128 *Mitchell* reference, may be made by overlapping Figures 4,



5, and 6 of the '128 *Mitchell* reference as shown herein. As is clearly visible in this illustration, the tangential slot configurations of the '128 *Mitchell* reference, which are required to accommodate different lug patterns, cannot be combined on a single mounting flange, as slots for the different lug hole patterns would

intersect each other. Furthermore, the intended design of the '128 *Mitchell* reference, which requires that the underlying adjusting plate have corresponding slots which are

aligned perpendicular with the slots in the mounting flange plate, would have similar problems with intersecting slots, precluding the ability to radially move unobstructed passages (for mounting pins) to accommodate different diameter lug patterns by rotating the adjusting plate relative to the mounting flange plate.

Accordingly, Claims 1, 3, 20-28, and 61-64 are not *prima facie* obvious under 35 U.S.C. § 103(a) over U.S. Patent No. 3,888,128 to *Mitchell* in view of U.S. Patent No. 5,665,911 to *Warkotsch*.

Additionally, respect to Claim 21, the cited combination of the '128 *Mitchell* and the '911 *Warkotsch* references further fails to render obvious the use of a configuration of slots in the flange plate which is different from the configuration of slots in the adjusting plate, as the '128 *Mitchell* reference teaches to use identical, but inverted slot patterns in each plate. (Col. 3, lines 29-31).

3. New Claims

New dependent Claims 68-70 have been added which set forth features of the present invention which are clearly visible in Figures 7A, 7B, and 16. These claims are believed to be novel and non-obvious in view of the cited references.

4. Allowable Subject Matter

The Examiner's allowance of Claim 2 and 9 is acknowledged.

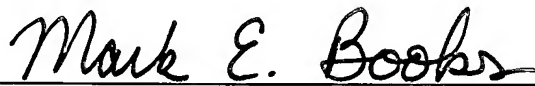
5. Conclusion

Based on the foregoing, the allowance of all pending claims is requested.

If for any reason the Examiner is unable to allow the application on the next Office Action and feels that an interview would be helpful to resolve any remaining

issues, the Examiner is respectfully requested to contact the undersigned attorney for the purpose of arranging such an interview.

Respectfully submitted,

A handwritten signature in black ink that reads "Mark E. Books". The signature is written in a cursive style with a horizontal line underneath it.

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